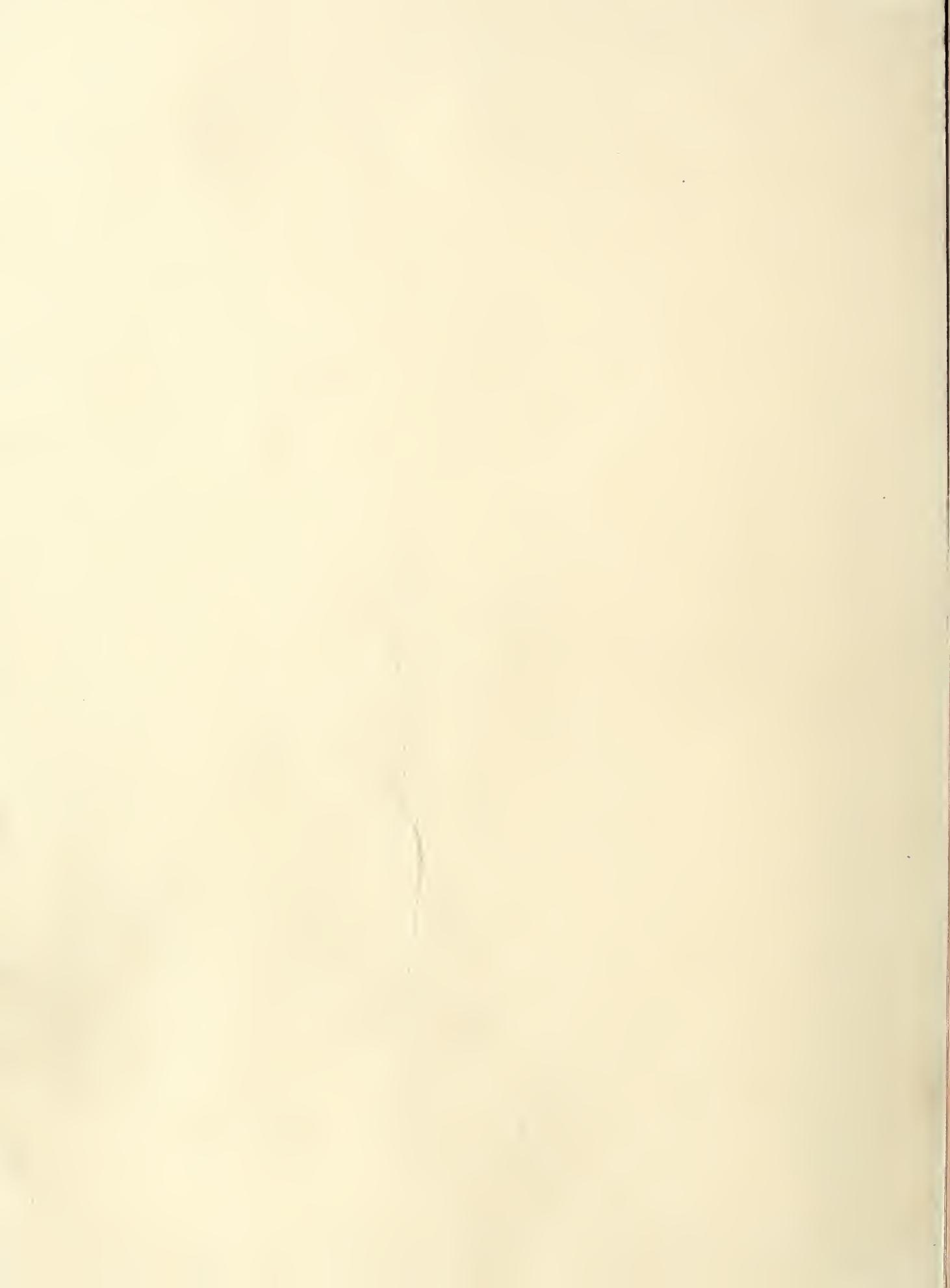


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ASCS BACKGROUND INFORMATION

Agricultural Stabilization and Conservation Service
U. S. Department of Agriculture

BI No. 13

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PROCUREMENT SECTION

CHIEF OF STAFF, RE: FDAA

EMERGENCY AND DISASTER ASSISTANCE AVAILABLE THROUGH ASCS

Emergency area assistance is provided by the Agricultural Stabilization and Conservation Service through: (1) sale of Commodity Credit Corporation (CCC) owned feed grains; (2) grazing and haying privileges on re-tired croplands; (3) emergency conservation measures; (4) emergency wildlife feeding assistance; (5) the Indian acute distress donations program, and (6) disaster payments.

In major disaster situations declared by the President, in addition to assistance for emergency areas, feed may be donated, sold at reduced prices, or otherwise provided, as directed by the Federal Disaster Assistance Administration (FDAA).

Programs are administered through State and county ASC offices. Program explanations as they may affect individual counties may be obtained at the county ASC office.

EMERGENCY PROGRAM ASSISTANCE

Emergencies calling for agency action may be caused by such calamities as flood, drought, fire, hurricane, earthquake, storm, disease, insect infestation, or other catastrophe.

Under current operating procedures, before affected areas are designated as emergency action areas (and usually for major disaster programs) for sale of CCC-owned feed grains and emergency conservation measures, the need for emergency action is recommended first by County ASC Committees. State ASC Committees then review the recommendations and determine whether assistance should be made available.

SALE OF CCC-OWNED FEED GRAIN provides assistance to livestock owners in areas certified by the Governor of the State and in which emergency areas have been designated by the State ASC Committee -- the Livestock Feed Program.

CCC-owned feed grain may be sold to eligible farmers and ranchers at beneficial prices to preserve and maintain herds (foundation and other) of cattle (including producing dairy cattle), sheep and goats.

The authority for this program is P.L. 86-299 (Act of September 21, 1959, as amended) and Sections 407 and 421 of the Agricultural Act of 1949, as amended.

The sale of feed in a designated emergency area can be made only to a person who does not have, and is unable to obtain through normal channels of trade without undue financial hardship, sufficient feed for livestock owned by him.

GRAZING AND HAYING of acreage in the Cropland Adjustment Program may be approved by State and County ASC Committees in areas in which the Governor of the State certifies that there is a need.

In most cases, program payments the farmer would otherwise receive are reduced by the estimated fair value of the grazing or harvesting of hay which occurs.

EMERGENCY CONSERVATION MEASURES are authorized by Public Law 85-58, the Third Supplemental Appropriations Act, enacted June 21, 1957. This law authorizes emergency measures in any State or area in which it is determined by the ASC county committee, in consultation with the State ASC committee, that emergency conservation measures are needed to control severe wind erosion on farmlands, or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes or other natural disasters.

The law also provides for the allocation of emergency funds, which are used to share with farmers and ranchers the cost of emergency conservation measures needed to meet the new conservation problems caused by the disaster in a given area. The law requires, however, that the natural disaster must be such as to create new conservation problems, which, if not treated, would: (1) impair or endanger the land; (2) materially affect the productive capacity of the land; (3) represent unusual damage which, except for wind erosion, is not the type likely to recur frequently in the same area; and (4) would be so costly to repair that Federal assistance is or will be required to return the land to productive agricultural use.

Funding for the program has been authorized on an annual basis from time to time by appropriations approved by the Congress.

Subject to availability of funds, an ASC county committee, in consultation with the State ASC committee, is authorized to implement the ECM program for eligible farmers.

Eligibility for ECM assistance is determined by the ASC county committee on an individual basis, considering the type and extent of damage and the farmer's capability to rehabilitate the damaged farmland.

Typical of emergency practices to combat or repair damage by wind erosion or sustained drought are emergency tillage operations, emergency cover to prevent wind erosion, and constructing or improving reservoirs, wells, springs, and seeps for livestock and irrigation water.

In flood disaster areas, emergency conservation practices frequently include removal of debris, the leveling of sand or gravel deposits, and the replacement of other previously functioning conservation installations destroyed or damaged by floods.

EMERGENCY WILDLIFE FEEDING ASSISTANCE provides a means of protecting farm crops from heavy concentrations of migratory waterfowl, and of protecting both migratory and resident wildlife in times of disaster. In both cases, grain acquired under price support programs by the Commodity Credit Corporation can be made available for such emergency uses. The laws under which these assistance measures operate are P.L. 84-654 and P.L. 87-152. (Use of CCC-owned grain for emergency feeding of wildlife in major disaster areas is also permissible under P.L. 93-288, the Disaster Relief Act of 1974.)

CCC-owned grain may be donated to the Department of the Interior for feeding migratory waterfowl when threatened with starvation or for preventing of crop damage. This action depends on a finding by the Secretary of the Interior that an emergency exists.

CCC-owned grain may be donated to State agencies for resident wildlife threatened with serious damage or loss from starvation. This action also depends on a finding by the Secretary of the Interior that an emergency exists.

INDIAN ACUTE DISTRESS DONATION PROGRAM. CCC-owned feed grains may be donated to Indian tribes for livestock feeding following a decision by the Secretary of Agriculture based on the chronic acute distress of the needy members of an Indian tribe due to severe drought, flood or other catastrophe. Distribution of feed to the tribe is arranged by the Bureau of Indian Affairs, Department of the Interior.

MAJOR DISASTERS

In major disaster areas designated by the President, FDAA may direct that feed, including CCC-owned feed grains, be donated, made available at reduced prices or otherwise, in instances such as:

- (1) for a limited period for livestock which are commingled and unidentified as an immediate result of the disaster, or
- (2) for an extended period for livestock owned by individual farmers who have suffered severe property losses as a result of the disaster and cannot afford to buy feed.

The Secretary also may direct CCC, under current administrative programs, to donate its own feed grains.

A major disaster may be declared by the President in any State or area if the Governor of the State involved certifies that disaster assistance is needed.

The President is authorized, under the Disaster Relief Act of 1974 (Public Law 93-288) to set broad Federal action in motion by his declaration. This law is intended to deal primarily with acute distress situations resulting from natural disasters requiring Federal assistance, in addition to State and local efforts and resources.

Declaration of a major disaster area by the President, alerts all Federal agencies, as they are needed, to provide assistance in every way possible to meet acute distress situations caused, or may be caused, by hurricanes, tornadoes, storms, floods, high waters, wind-driven waters, tidal waves, earthquakes, droughts, fires and other catastrophes.

The President makes his determination in consultation with the FDAA, which in turn may obtain recommendations from the Secretary of Agriculture when livestock feeds are concerned.

DISASTER PAYMENTS: Crop Loss or Failure to Plant of Wheat, Feed Grains or Upland Cotton.

These are authorized by the Agriculture and Consumer Protection Act of 1973.

If an eligible producer of wheat or feed grains is prevented from planting any portion of his allotment to wheat, feed grains or other non-conserving crop or an eligible producer of cotton is prevented from planting any portion of his allotment to cotton because of drought, flood, or other natural disaster, or condition beyond his control, the payment rate for that portion will be the larger of the regular calculated rate or one-third of the target price.

And if, because of the same circumstances, the total quantity of the commodity (or authorized substituted crop) harvested on the farm is substantially less than the "expected production" because of a natural disaster, the payment rate for the deficiency in production below 100 percent will be the larger of the regular calculated rate or one-third of the target price. ("Expected production" is the farm payment yield multiplied by the farm acreage allotment for the grains and the farm base acreage allotment for cotton.)